

House Bill 49

By: Representative Teilhet of the 40th

A BILL TO BE ENTITLED
AN ACT

To amend Article 3 of Chapter 5 of Title 42 of the Official Code of Georgia Annotated, relating to conditions of detention generally in state and county correctional institutions, so as to provide that the commissioner of corrections may establish rules and regulations providing that certain inmates in state detention facilities shall pay for the costs of their incarceration; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 5 of Title 42 of the Official Code of Georgia Annotated, relating to conditions of detention generally in state and county correctional institutions, is amended by adding a new Code Section 42-5-55.1 to read as follows:

"42-5-55.1.

(a) As used in this Code section, the term:

(1) 'Detention facility' means a state correctional institution, workcamp, or other state facility used for the detention of persons convicted of a felony or misdemeanor.

(2) 'Inmate' means a person who is detained in a detention facility by reason of being convicted of a felony or misdemeanor.

(b) The commissioner may establish by rules and regulations a policy by which an inmate who is detained in a detention facility and does not qualify as an indigent for purposes of criminal defense representation shall reimburse the state for the costs of his or her incarceration. The charge for the incarceration shall be not more than the actual per diem cost for the entire period of time the inmate is confined in the detention facility. Rates charged for incarceration shall be adjusted based upon the ability of the inmate to pay, giving priority to any legal obligation of the inmate to support a spouse, minor children, or other dependents. The inmate's interest in any jointly owned property and the income, assets, earnings, or other property owned by the inmate's spouse or family shall not be used

1 to determine an inmate's ability to pay. All costs collected pursuant to this Code section
2 shall be remitted to the state treasury.
3 (c) The commissioner shall use any available civil means of debt collection in collecting
4 costs imposed by this Code section."

5 **SECTION 2.**
6 All laws and parts of laws in conflict with this Act are repealed.